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OFFICE OF PETITIONS

In re Application of :
Chiao-Chung Huang et al :
Application No. 10/667,124 :
Filed: September 18, 2003 :
Attorney Docket No. 250122-1020 :

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed December 19, 2003.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (2) set forth above.

As to item (2), the Combined Oath and Declaration of Power of Attorney is unacceptable since the declaration must be signed by all the signing inventors on behalf of themselves and on behalf of non-signing inventor Ming-Hann Tsai. The declaration would be acceptable if all the signing inventors signed in their respective signature blocks and the signature block of non-signing inventor Ming-Hann Tsai is left blank. Accordingly, an oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by all the signing inventors on behalf of themselves and on behalf of non-signing inventor Ming-Hann Tsai, or a declaration signed by all the inventors but the signature block of Ming-Hann Tsai left blank, must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
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Telephone inquiries related to this decision should be directed to Irvin Dingle at (703) 306-5684.



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